

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION</b>	:	<b>CIVIL ACTION</b>
	:	
	:	
<b>v.</b>	:	<b>NO. 19-2978</b>
	:	
<b>W. GERALD OLEKSIK</b>	:	

**ORDER**

**AND NOW**, this 26<sup>th</sup> day of March 2020, upon considering the parties' cross-Motions for declaratory judgment (ECF Doc. Nos. 42, 43), Oppositions (ECF Doc. Nos. 49, 50), Replies (ECF Doc. Nos. 51, 54), following oral argument where both parties agreed there are no genuine issues of material fact precluding entry of a declaratory judgment as a matter of law, and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Defendant's Motion for judgment (ECF Doc. No. 43) is **GRANTED in part** as to Plaintiff's withdrawn claim for injunctive relief but otherwise **DENIED**;

2. Plaintiff's Motion for declaratory judgment (ECF Doc. No. 42) is **GRANTED in part** so as to enter **JUDGMENT** in favor of the Plaintiff **declaring**, under the express terms of the Commonwealth of Pennsylvania's and State of New Jersey's Compact creating the Delaware River Joint Toll Bridge Commission as approved by Congress and under the express legislation of both member states, the Defendant Secretary may not, without the Plaintiff Commission's consent, unilaterally interfere, direct, inspect, or regulate:

a. The Plaintiff Commission's elevator operations at the Scudder Falls Bridge Administration Building complex by mandating the Commission submit to the Commonwealth of

Pennsylvania's Department of Labor & Industry's Uniform Construction Code elevator regulations;

b. The Plaintiff Commission's tanks, pumps, and other fuel-dispensing devices at the Scudder Falls Administration Building complex by mandating the Commission submit to the Commonwealth of Pennsylvania's Department of Labor & Industry's Combustible and Flammable Liquids Act regulations; and,

3. The Clerk of Court shall **close** this case.

  
\_\_\_\_\_  
**KEARNEY, J.**